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Atty Docket No.: 200209305-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor(s):** Chunigtang TANG **Confirmation No.:** 9230  
**Serial No.:** 10/666,621 **Examiner:** Douglas B. BLAIR  
**Filed:** September 19, 2003 **Group Art Unit:** 2442  
**Title:** UTILIZING PROXIMITY INFORMATION IN AN OVERLAY NETWORK

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF - PATENTS**

Sir:

This is a response to the Notice of Non-Compliant Appeal Brief mailed June 3, 2009. The Notice indicated that the Applicant's summary of claim 23 did not identify which elements of the computer system correspond to each means. Accordingly, below is a revised Summary of Claimed Subject Matter including an indication of the elements of the computer system corresponding to the claimed means. Note that the Notice referenced claim 25, but clearly the Notice intended to reference independent claim 23.

**(5) Summary of Claimed Subject Matter**

Support for the following claims is at least provided in the cited sections.

1. A method of identifying a close-by node in a region of an overlay network, wherein the overlay network is a logical representation of a physical network, the method comprising:

determining first proximity information associated with a location of a first node in the physical network; See page 16, lines 4-20 and figure 5A.

searching through a map associated with a region of the overlay network using the first proximity information, wherein the map includes proximity information associated with locations of nodes physically close in the physical network; See page 16, lines 4-20 and figure 5A.

identifying a routing node in the region of the overlay network based on the searching through the map, wherein the routing node is a node in the region physically closest to the first node in the physical network relative to other nodes in the region. See page 16, lines 4-20 and figure 5A.

2. The method of claim 1, wherein searching through a map associated with a region of the overlay network using the first proximity information, further comprises:

comparing proximity information in the map associated with a plurality of nodes in the overlay network to the first proximity information to identify the node in the region physically closest to the first node in the physical network. See page 16, lines 4-20 and figure 5A.

4. The method of claim 3, wherein the overlay network is an expressway, content-addressable, overlay network, and the first node and the routing node are expressway routing nodes in the overlay network. See page 15, lines 18-19.

9. A method of identifying a node in a region of an overlay network, wherein the overlay network is a logical representation of a physical network, the method comprising:

    determining first proximity information associated with a location of a source node in the physical network; See page 17, line 10-page 18, line 11 and figure 5B.

    searching through a map associated with a target region of the overlay network using the first proximity information, wherein the map includes proximity information associated with locations of nodes physically close in the physical network; and See page 17, line 10-page 18, line 11 and figure 5B.

    identifying a subset of nodes in the target region closest to the first node in the physical network based on the searching through the map. See page 17, line 10-page 18, line 11 and figure 5B.

10. The method of claim 9, further comprising:

    determining distances from the source node to the subset of nodes; and selecting from the subset of nodes a node closest to the source node in the physical network based on the determined distances. See page 18, lines 19-21.

23. A node in an overlay network, wherein the overlay network is a logical representation of a physical network, the node comprising:

means for determining first proximity information (See processor 802 in figure 8 and page 24, lines 19-22) associated with a location of the node in the network; See computer system 800 in figure 8 and page 16, lines 4-20 and figure 5A.

means for searching through a map (See processor 802 in figure 8 and page 24, lines 19-22) associated with a region of the overlay network using the first proximity information, wherein the map includes proximity information associated with locations of other nodes physically close in the physical network; and See computer system 800 in figure 8 and page 16, lines 4-20 and figure 5A.

means for identifying a routing node (See processor 802 in figure 8 and page 24, lines 19-22) in the region of the overlay network based on the searching through the map, wherein the routing node is a node in the region physically closest to the node relative to other nodes in the region. See computer system 800 in figure 8 and page 16, lines 4-20 and figure 5A.

26. The method of claim 1, further comprising:

for each of the first node and the nodes in the region, identifying an overlay node based on the proximity information of the respective node; and See page 11, lines 14-21 and figure 4.

for each of the first node and the nodes in the region, storing the proximity information in the respective overlay node, wherein nodes physically close based on

their proximity information are stored in overlay nodes that are close in the overlay network. See page 11, lines 14-21 and figure 4.

27. The method of claim 26, further comprising:  
retrieving the map from the overlay node storing the proximity information for one or more of the nodes in the region. See page 11, lines 14-21 and figure 4.

**PATENT**

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Respectfully submitted,

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By

  
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